

**Whalen, Marilyn**

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**From:** Beth Lucas <blucas4@verizon.net>  
**Sent:** Sunday, August 10, 2014 10:15 PM  
**To:** Blumenfeld, Jared; Wilson, Patrick; Scott, Jeff; Armann, Steve; Huetteman, Tom  
**Cc:** Wedell, Kelly; 'Beth Lucas'  
**Subject:** DOES THE EPA REALLY INTEND TO ALLOW THE SMMUSD TO VIOLATE THE LAW (FEDERAL REG. TITLE 40) AND SEND TEACHERS AND CHILDREN INTO CONTAMINATED CLASSROOMS ON AUGUST 19?

Hello All,

**.1. DOES THE EPA REALLY INTEND TO ALLOW THE SMMUSD TO VIOLATE THE LAW (FEDERAL REG. TITLE 40) AND SEND TEACHERS AND CHILDREN INTO CONTAMINATED CLASSROOMS ON AUGUST 19?**

**2. CAN YOU PLEASE EXPLAIN WHY YOU HAVE NOT STOOD BEHIND WHAT STEVE ARMANN WROTE IN HIS JANUARY 27 LETTER TO S. LYON OF THE SMMUSD?**

**3. CAN YOU PLEASE TELL ME WHY YOU HAVE NOT REQUIRED FURTHER CAULK TESTING IN ALL CLASSROOMS WHEN CLEARLY THERE IS A PCB BUILDING MATERIALS PROBLEM AT MHS?**

**4. YOU ARE AWARE THAT INDEPENDENT TESTS AT AN EPA APPROVED LAB FOUND TWO OTHER CLASSROOMS IN VIOLATION OF TITLE 40, YET NO VALIDATION OF THESE RESULTS WAS REQUIRED BY THE EPA OF THE SMMUSD... WHY NOT?**

**WE HAVE A REALLY BIG PROBLEM WITH PCBS IN EXCESS OF 50 PPM IN OUR BUILDING MATERIALS AT OUR SCHOOLS!**

**WE HAVE SICK (CANCER & OTHER AILMENTS) TEACHERS AND CHILDREN.**

**THE LAW IS THERE TO PROTECT US AND IN THIS CASE OUR PRECIOUS CHILDREN.**

**THE PARENTS, TEACHERS, CHILDREN AND STAFF OF MALIBU (MALIBU HIGH SCHOOL, MALIBU MIDDLE SCHOOL AND JUAN CABRILLO ELEMENTARY) LOOK TO YOU TO ENFORCE THE LAW. WE NEED YOUR HELP. CLEARLY THE SMMUSD IS NOT GOING TO FOLLOW THE LAW UNLESS YOU ENFORCE IT.**

2. Is Anyone from your office ever going to give me the courtesy of a response to my specific question sent to you over the past two weeks?

**SCHOOL STARTS IN A WEEK... You have no idea how devastating this situation has been to our community and especially the children...**

**\*\* PLEASE HELP. THIS HAS BEEN GOING ON FOR OVER 10 MONTHS... IT IS NOT ACCEPTABLE TO CONTINUE TO PUT TEACHERS, STAFF AND CHILDREN AT RISK.\*\***

Please advise.

Best regards,

**Beth Lucas**

**Concerned Parent of two children, one a childhood cancer survivor who is terrified to return to school!**

PS - Typed in caps and bold, because we are truly running out of time before school starts and these are urgent questions.

## Are Our Schools Safe While They Contain Illegal Levels of PCBs/Carcinogens?

Many Malibu parents are asking the same question regarding the safety of our schools, in the midst of PCBs in our schools, which we never would have found out about had it not been for the bravery of the teachers who initially wrote their letter of concern to the SMMUSD, due to three teachers being diagnosed with Thyroid cancer within 6 months of each other, 10 others with Thyroid disease and numerous others with health ailments including migraines. My own son began suffering from debilitating migraines in middle school at MHS... He has no migraines when not attending school... and they improved somewhat in 9<sup>th</sup> grade when he spent half of his time in the newer high school building (which has no PCBs.)

Here is my humble opinion...

Do I believe our schools are currently very, very clean? Yes...

Do I believe they are very, very safe? Sadly, no... and here is why:

**Months ago, in a January 27, 2014 letter to Sandra Lyon, Steve Armann (EPA) wrote: "... the school district must submit a plan that at a minimum addresses the following:**

**1. Removal of all caulk with known concentrations above 50 ppm PCBs in the library and in Blue Building Rooms 1, 5, and 8." And Steve, there was more that you required in that letter that has also not transpired...**

**The EPA required this of the SMMUSD because it is the law (Federal Regulation Title 40.) Jared Blumenfeld's (EPA) July 31 letter to Senator Boxer also references that removal of PCBs above 50 ppm is required by TSCA.**

**Here is a brief but relevant excerpt from Title 40 CFR 761.20: "PCB concentrations of 50 ppm or greater present an unreasonable risk of injury to health" This is why the law requires removal of PCBs found in these concentrations.**

**Yet, the SMMUSD has done no further testing of caulk, has taken no action to remove caulk and has no concrete plan for such removal of PCBs as required by law.**

Do we live in a polluted world? Unfortunately, yes...

But when there is a Federal Law protecting us from a known pollutant, in this case a highly toxic carcinogen (PCBs) should we feel comfortable that the SMMUSD has done enough, because our schools are currently very, very clean?

I think not, because the source of the PCBs remains and no-one can tell us how long it will take for the PCBs to leech back into the air and dust. And that is what PCBs do. That is why the law is the law.

I have contacted the local EPA numerous times in writing and by phone with basic questions; Why is TSCA Federal Law regarding the removal of PCBs above 50 ppm not being enforced at MHS?, and, Is the EPA requiring testing for other compounds since some can cause PCBs to be absorbed through skin? To my surprise and disappointment no-one from the local EPA has responded to my repeated inquiries and I think reasonable specific questions...

Hugh Kaufman, Senior Policy Analyst at the EPA Office of Solid Waste and Emergency Response in Washington DC confirms the following:

**1. "The school district has been and is in violation of EPA's PCB Regulations at 40 CFR 761."**

**2.” The EPA normally would file a complaint with the local Federal Court and try to negotiate a Consent Decree/Agreement, which would stipulate penalties and a timetable for the school to come into compliance.”**

Hugh has the most experience on these contamination cases than anyone at EPA, and he helped write the Laws and Regulations on these issues.

Why has our local EPA not acted on this?

Regarding alternatives for the new school year, in my opinion, the SMMUSD had plenty of time over the summer to plan for and put in place portable units or trailers, and there are many newer such units that are very clean, safe and “green”... it saddens me for our kids that the SMMUSD has not put in place a contingency plan for this option until they have tested and remediated the source (caulk) throughout our schools.

It is distressing that the SMMUSD has put us in the position of having to scramble and research and try to figure out what to do for our children for the beginning of school, or to send our children back to a school that we feel is unsafe... I moved to Malibu in part for the amazing public schools. I do not find private schools, homeschooling, or schools outside the district very viable options.

Nor should any of us feel we have to pull our kids from their beloved schools and friends because the SMMUSD will not uphold Federal Law, test and remove the caulk and ensure our schools are safe, and in the interim place our kids in a safe alternative until that has happened.

I also believe the SMMUSD should make funds available immediately on an emergency basis to uphold the law, as this is a hazardous material health and safety issue (as per the violation of Title 40)

Do I think our schools are safe? Sadly, No...

Do I think the SMMUSD can and should immediately do more? Absolutely, Yes. The local EPA said so in their January 27 letter. The Federal Law says so. And in my humble opinion, as parents, we should require no less for the safety of our children. Our children and future generations of Malibu children deserve no less. And they deserve it now.